Claim 25 as amended claims a device for forming an occlusion within a cavity which has a detachable distal tip from the wire to leave the distal tip within the cavity without applying any force by the distal tip to any surface within the body cavity. **Anderson** unscrews the tip from the wire to back the wire out of the coil which is then left in the cavity. This applies a longitudinal reactive force from the catheter or wire as it is back out, which can be considerable given the long and often tortuous disposition of the catheter and wire in the vessel or narrow body lumen to access the cavity or aneurysm. In addition, even if there were no longitudinal reactive force from the catheter or wire, the simple act of unscrewing the catheter means that the distal coil must be held by frictional engagement with a surface of the body cavity to resist the turning of the coil, otherwise the coil will not unscrew from the catheter wire. With the soap bubble thin aneurysms encountered in the brain, such a torque applied to a surface of the aneurysm creates a substantial risk of rupture and resulting brain hemorrhage and stroke. The filaments as shown in **Chee** adds to the distinguishable subject matter of Claim 25 as amended.

A terminal disclaimer over U.S.Patent 5,540,680 is signed and included.

The Examiner objected to the claims under *In Re Schneller*, 158 USPQ 210 (CCPA 1968) on the ground that there is no apparent reason why applicant was prevented from presenting the claims during an earlier application which has matured into an issued patent.

In Re Schneller was an appeal is from a decision of the Patent Office Board of Appeals affirming the examiner's rejection of claims on the ground of double patenting over an issued copending patent to the same applicant. Unlike the present case, there was no terminal disclaimer offered in *In Re Schneller.* The CCPA held that:

> "The controlling fact is that patent protection for the clips, fully disclosed in and covered by the claims of the patent, would be extended by allowance of the appealed claims. Under the circumstance of the instant case, wherein we find no valid excuse or mitigating circumstances making it either reasonable or equitable to make an exception, and wherein there is no terminal disclaimer, the rule against "double patenting" must be applied. " 158 USPQ at 214.

The applicant in *In Re Schneller* was attempting to extend the original patent by asserting that the application in question was an independent and distinct invention. This is not the case here, where any extension of U.S.Patent 5,540,680 is expressly disclaimed. Thus, *In Re Schneller* is distinguished from the present application.

The cross-reference to all prior applications has been added.

The information disclosure statement referenced in the request for filing is enclosed and includes references which were part of the file history of the immediate parent '795 application.

Advancement of the claims to issuance is respectfully requested.

Respectfully submitted,

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